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Assistant Commissioner for Patents
Washington, D. C. 20231
Fee Bearing Preliminary Amendment

PRELIMINARY AMENDMENT

A Certificate of U.S. EXPRESS Mailing by article EK763983477US is on page 4 of this response.

Re: Patent Application of Brad A. Armstrong

Serial No.: 09/715,532 Filed: 11/16/2000

Title: 3D CONTROLLER WITH VIBRATION

Applicant's mailing address: Brad A. Armstrong
P.O. Box 1419
Paradise, CA 95967

Examiner:
Group Art Unit:

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Technology Center 2600

Dear Sir:
REMARKS

Included herewith is another Information Disclosure Statement. Since this Information Disclosure Statement is being filed before the first Office Action on the merits of the instant application, no fee is required.

Listed in the attached Information Disclosure Statement are two Japanese documents. I have been given these Japanese documents by a third party, and I cannot attest to the validity of these documents, their dates, or the English translations which I have included for Patent Office consideration. Even though I cannot attest to the validity of these documents, I believe the present invention as claimed is clearly patentable over these documents if they are "in fact" as presented to me. Please examine the present claims as if these two Japanese documents are valid disclosures.

The first of the two Japanese documents is titled SWITCH DEVICE, having a publication date of 1995-11-14, Assigned to Sega

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Enterprise LTD and listing Terajima Junich and others as Inventor. This disclosure JP7302159 while available in Japanese on the Internet, was provided by a third party translated into English. Again, I cannot attest to the accuracy of the English translation. I have provided a copy which is 55 pages in English with an additional 4 sheets of drawings and then 1 (one) more sheet in Japanese. I have also provided an English "Abstract" printed from the EPO database which I do believe is reliable. The document JP7302159 should however be considered during examination of the claims of the instant application. The present invention is patentable over the document JP7302159 alone, and the present invention is patentable over document JP7302159 in any proper combination with prior art.

Additionally, through a chain of co-pendency reaching back to March 5, 1992, the effective filing date of at least some of the instant claims is believed earlier than the effective date of document JP7302159. However, in this situation, these effective dates are not all that important since even when applied as prior art as opposed to being set aside, the document JP7302159 does not teach or suggest the present claimed inventive combination.

The second Japanese document, Publication No. 5-87760, was allegedly published on November 26, 1993. I say allegedly because I could not find the disclosure on the EPO patent database, nor on the Japanese patent database. Since it is a "Japanese Unexamined Utility Model Application", it may just be difficult or impossible to call up on an Internet database, possibly only being discoverable by a hand search. I cannot attest to the authenticity of Publication No. 5-87760. Nor, can I attest to the accuracy of the English translation. I have however provided a copy of the 8 pages of English translation, a copy of the 6 pages of the Japanese language document which includes a page having 3 drawing figures. While I cannot attest to the authenticity of Publication No. 5-87760, i.e. whether it is actually prior art, I nevertheless submit the information for consideration during examination of the claims of the instant

application.

Publication No. 5-87760 is directed toward describing an analog cross key 12, a four way analog rocker much the same as in the U.S. Patent 5,510,812 O'Mara et al of record in the application file of my earlier U.S. Patent 6,102,802. Note, all claims of U.S. Patent 6,102,802 were rightfully issued over the cited O'Mara.

Furthermore, through the chain of co-pendency reaching back to March 5, 1992, the effective filing date of at least some of the instant claims is believed earlier than the effective date of Publication No. 5-87760. Again, these effective dates are not all that important since even when applied as prior art as opposed to being set aside, Publication No. 5-87760 does not teach or suggest alone or in combination with prior art the present claimed inventive combination. The present invention is patentable over Publication No. 5-87760 alone, and the present invention is patentable over Publication No. 5-87760 in any proper combination with prior art.

Also included herewith is a Terminal Disclaimer between my earlier U.S. Patent 6,222,525 and the instant application. The \$55.00 small entity fee therefor is also attached. Please apply the Terminal Disclaimer to the present application. While the claims of my earlier patent 6,222,525 and the instant application are at least from one viewpoint somewhat similar, the earlier claims do not render the later claims obvious. I submit the Terminal Disclaimer to cooperate with the public policy "to prevent possible harassment by multiple assignees", and to help expedite the advancement of the instant application toward issuance.

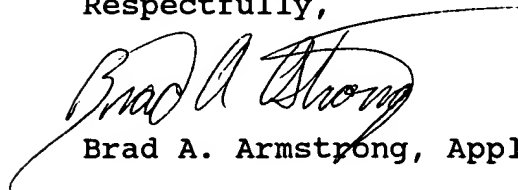
Please let Applicant know if any additional Terminal Disclaimers are needed, such as regarding any of the earlier filed applications / patents in the chain of pendency, or any other applications of Applicant's.

In view of the herein Information Disclosure Statement, the Terminal Disclaimer and the herein remarks favoring allowance, please examine my application and find that all claims are allowable. Thank you.

Also, please do not hesitate to telephone me at 775 721 6958 if I may be of any assistance in advancing this application toward issuance.

I, Brad A. Armstrong, believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought in the instant application. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully,


Brad A. Armstrong, Applicant

Date: Aug. 8, 2001

CERTIFICATE OF EXPRESS MAILING

Assistant Commissioner for Patents
Washington, D. C. 20231

I hereby certify that this document regarding U.S. application 09/715,532 is being deposited with the United States Postal Service as EXPRESS MAIL, article No. EK763983477US with sufficient postage pre-paid in an envelope addressed to: Assistant Commissioner for Patents, Washington, D. C. 20231, on this

date: 8-8-01.

Signature: 

Brad A. Armstrong